

Magistrate Judge

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
EN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,) No. CR14-5366
Plaintiff,)
v.) FINDINGS AND ORDER ACCEPTING
WADE R. PETTIT,) DEFENDANT FOR DEFERRED
Defendant.) PROSECUTION, APPROVING
) TREATMENT PLAN, AND
) DIRECTING DEFENDANT TO TAKE
) TREATMENT AS PRESCRIBED
)
)

THIS MATTER, coming on for hearing this 18th day of May, 2015 upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by his attorney, Michael S. Clark; the United States of America being represented by Barbara J. Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Social Treatment Opportunity Programs (STOP), and the files and records herein, being fully advised in the premises, does now make and enter the following:

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**ORDER ACCEPTING DEFERRED
PROSECUTION/WADE R. PETTIT
(CR14-5366) - 1**

**FEDERAL PUBLIC DEFENDER
1331 Broadway, Suite 400
Tacoma, WA 98402
(253) 593-6710**

1 I. FINDINGS OF FACT

2 A. On or about the 14th day of June, 2014, Petitioner was charged with the
3 offenses charged in the Information. These offenses occurred as a direct result of
4 alcoholism/chemical dependency problems;

5 B. Petitioner suffers from an alcohol/drug problem and is in need of
6 treatment;

7 C. The probability of similar misconduct in the future is great if the problem
8 is not treated;

9 D. Petitioner is amenable to treatment;

10 E. An effective rehabilitative treatment plan is available to Petitioner
11 through STOP, an approved treatment facility as designated by the laws of the State of
12 Washington, and Petitioner agrees to be liable for all costs of this treatment program;

13 F. That Petitioner agrees to comply with the terms and conditions of the
14 program offered by the treatment facility as set forth in the diagnostic evaluation from
15 STOP, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to
16 be liable for all costs of this treatment program;

17 G. That Petitioner has knowingly and voluntarily stipulated to the
18 admissibility and sufficiency of the facts as contained in the written police report
19 attached to Statement of Petitioner filed herewith.

20 H. That Petitioner has acknowledged the admissibility of the stipulated facts
21 in any criminal hearing or trial on the underlying offense or offenses held subsequent to
22 revocation of this Order Granting Deferred Prosecution and that these reports will be
23 used to support a finding of guilt;

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1 From the foregoing FINDINGS OF FACT, the Court draws the following:

2 II. CONCLUSIONS OF LAW

- 3 A. That the above-entitled Court has jurisdiction over the subject matter and
4 Petitioner Wade R. Pettit in this case;
- 5 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
6 of RCW 10.05 et seq.;
- 7 C. That the diagnostic evaluation and commitment to treatment meets the
8 requirements of RCW 10.05.150;
- 9 D. That Petitioner is eligible for deferred prosecution.

10 III. ORDER

11 Having made and entered the foregoing FINDINGS OF FACT and
12 CONCLUSIONS OF LAW, it is hereby

13 ORDERED that the defendant is accepted for deferred prosecution. The
14 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to
15 RCW 10.05 et seq., upon the following terms and conditions:

- 16 A. Petitioner shall be on probation for the deferral period and follow the
17 rules and regulations of probation;
- 18 B. Petitioner shall enroll in and successfully complete the two-year treatment
19 program recommended by Social Treatment Opportunity Programs (STOP) according
20 to the terms and conditions of that plan as outlined in the diagnostic evaluation, a true
21 copy of which is attached to the Petition and incorporated herein by reference.
22 Petitioner shall not change treatment agencies without prior Probation approval;
- 23 C. The treatment facility, STOP, shall file with the United States Probation
24 Office status reports of Petitioner's compliance with treatment, monthly during the first
25 year of the deferred prosecution period and every three (3) months during the second
26 year. The Court may increase the frequency of these reports at its discretion;

1 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
2 change.

3 E. Petitioner shall abstain during the deferred prosecution period from any
4 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

5 F. Petitioner shall not operate a motor vehicle on the public highways
6 without a valid operator's license and proof of liability insurance sufficient to comply
7 with the state laws on financial responsibility;

8 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
9 related offenses or other criminal offenses during the period of deferral,

10 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
11 questioned, or cited by Law Enforcement;

12 I. In the event that Petitioner fails or neglects to carry out and fulfill any
13 term or condition of his treatment plan or violates any provision of this Order or any
14 rule or regulation of his probation officer, upon receiving notice, the Court shall hold a
15 hearing to determine why Petitioner should not be removed from deferred prosecution
16 and prosecuted for the offense/offenses charged;

17 J. In the event the Court finds cause to revoke this deferred prosecution, the
18 stipulated police reports shall be admitted into evidence, and Petitioner shall have his
19 guilt or innocence determined by the Court;

20 K. That the statement of Petitioner for Deferred Prosecution shall remain
21 sealed, and all subsequent reports or documents relating to his treatment information
22 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

23 L. That the Department of Licensing be notified of this Order accepting the
24 Petitioner for deferred prosecution;

25 M. Upon proof of Petitioner's successful completion of five years deferral
26 period in this Order, the Court shall dismiss the charges pending against Petitioner.

1 N. Additional conditions:

2 1. The defendant shall not enter any establishment where alcohol is the
3 primary commodity for sale.

4 2. The defendant shall participate as instructed by the U.S. Probation Officer
5 in a program approved by the probation office for treatment of narcotic addiction, drug
6 dependency, or substance abuse, which may include testing to determine if defendant
7 has reverted to the use of drugs or alcohol. The defendant shall also abstain from the
use of alcohol and/or other intoxicants during the term of supervision. Defendant must
8 contribute towards the cost of any programs, to the extent defendant is financially able
to do so, as determined by the U.S. Probation Officer.

9 3. The defendant shall submit his person, residence, office, safety deposit
10 box, storage unit, property, or vehicle to a search, conducted by a U.S. Probation
11 Officer or any other law enforcement officer, at a reasonable time and in a reasonable
12 manner, based upon reasonable suspicion of contraband or evidence of a violation of a
13 condition of supervision. Failure to submit to a search may be grounds for revocation;
the defendant shall notify any other residents that the premises may be subject to
searches pursuant to this condition.

14 4. The defendant shall participate as directed in a mental health program
15 approved by the United States Probation Office. The defendant must contribute towards
16 the cost of any programs; to the extent the defendant is financially able to do so, as
determined by the U.S. Probation Officer.

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1 5. The defendant shall not drive without a valid license and insurance.
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DONE IN OPEN COURT this 18 day of May, 2015.

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UNITED STATES MAGISTRATE JUDGE

Presented by:


MICHAEL S. CLARK

Attorney for Petitioner

I have received a copy of the foregoing Order of Deferred Prosecution. I have read and understand its contents, and agree to abide by the terms and conditions set forth herein.

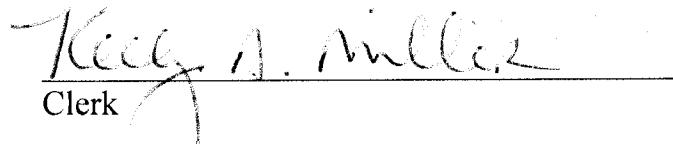
Dated: 18 May 2015



WADE R. PETTIT

Petitioner

I certify that a copy of this signed Order was mailed to the subject treatment facility, on 5/19, 2015. The United States Probation Office was also furnished a copy of this Order.


Kelly A. Miller
Clerk